

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHARLES DWIGHT MCKEE,

Plaintiff,

v.

JEFFREY UTTECHT, *et al.*,

Defendants.

Case No. 3:21-cv-5938-BHS-MLP

ORDER OF TRANSFER

This is a 42 U.S.C. § 1983 prisoner civil rights action. Plaintiff Charles Dwight McKee, proceeding *pro se* and *in forma pauperis*, is currently confined at the Coyote Ridge Corrections Center (“CRCC”) in Connell, Washington. Plaintiff’s proposed amended complaint generally alleges that CRCC Superintendent Jeffrey Uttecht, CRCC employees Kristen Williams and Dorothy Trainer, and several “Doe” defendants at the CRCC violated his constitutional rights under the Eighth Amendment. (Dkt. # 12 at 3-7, 14-16.)

The Court previously screened Plaintiff’s complaint and identified several deficiencies for him to correct before the Court ordered service on Defendants. (Dkt # 7.) Pertinent to the instant matter, Plaintiff was previously advised that from the face of his proposed complaint, it appeared that the events giving rise to his claims all occurred at the CRCC, which is located in

1 the Eastern District of Washington. (*Id.* at 5.) Plaintiff was therefore advised venue was only
2 proper in the Eastern District of Washington absent evidence that Defendants resided in this
3 district. (*Id.*)

4 Here, though Plaintiff has now amended his complaint to include additional defendants
5 and claims, it remains clear that the events giving rise to Plaintiff's claims all occurred in the
6 Eastern District of Washington. Furthermore, the named Defendants in Plaintiff's amended
7 complaint were all employed at the CRCC, and consequently, all likely reside in the Eastern
8 District as well. Despite the Court's previous advisement, Plaintiff failed to submit any
9 information demonstrating that venue is proper in the Western District of Washington as to any
10 named Defendant. Accordingly, the Court finds that venue is proper in the Eastern District of
11 Washington. *See* 28 U.S.C. § 1391(b).

12 When a case is filed in the wrong district, the district court "shall dismiss, or if it be in the
13 interest of justice, transfer such case to any district or division in which it could have been
14 brought." 28 U.S.C. § 1406(a). This Court concludes that it is in the interest of justice to transfer
15 the instant action. Accordingly, this case is hereby TRANSFERRED to the United States District
16 Court for the Eastern District of Washington.

17 The Clerk is directed to take the steps necessary to transfer this case to the United States
18 District Court for the Eastern District of Washington and to remove the case from this Court. The
19 Clerk is further directed to send copies of this Order to Plaintiff.

20 DATED this 18th day of March, 2022.

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BENJAMIN H. SETTLE
United States District Judge

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Recommended for entry this
15th day of March, 2022.

s/ Michelle L. Peterson
MICHELLE L. PETERSON
United States Magistrate Judge